

UNITED STATES DISTRICT COURT

for the

District of SOUTH CAROLINA

United States of America
v.
JAMES DENNIS SMITH, JR.

Case No. 3:17-640

DETENTION ORDER PENDING TRIAL

After conducting a detention hearing under the Bail Reform Act, 18 U.S.C. § 3142(f), I conclude that these facts require that the defendant be detained pending trial.

Part I—Findings of Fact

Alternative Findings (A)

- ☒ (1) There is probable cause to believe that the defendant has committed an offense
☒ for which a maximum prison term of ten years or more is prescribed in
21 USC § 801 et seq.
☒ under 18 U.S.C. § 924c.
☐ involving a minor victim under _____.
- ☒ (2) The defendant has not rebutted the presumption established by finding 1 that no condition will reasonably assure the defendant's appearance and the safety of the community.

Alternative Findings (B)

- ☐ (1) There is a serious risk that the defendant will not appear.
- ☐ (2) There is a serious risk that the defendant will endanger the safety of another person or the community.

Part II—Statement of the Reasons for Detention

I find that the testimony and information submitted at the detention hearing establishes by ☐ clear and convincing evidence ☒ a preponderance of the evidence that

having considered all of the factors of § 3142(g), and having weighed heavily in the defendant's favor his outstanding military and government service and absence of any criminal history, the court nonetheless finds that the defendant has not rebutted the statutory presumption in light of the following:

- (1) the nature and seriousness of the charges, which involve illegal drugs and firearms;
- (2) the weight of the evidence, which includes extensive government surveillance and information from cooperating witnesses;
- (3) evidence of the defendant's role in the alleged drug conspiracy which included transporting over 100 kilograms of marijuana all over the country by airplane and vehicle;

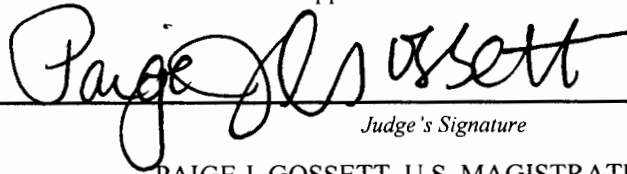
UNITED STATES DISTRICT COURT
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District of SOUTH CAROLINA

- (4) evidence that search warrants have yielded hundreds of thousands of dollars in cash at various locations frequented by the defendant, as well as numerous firearms;
- (5) evidence from a cooperating co-defendant that the defendant carries a firearm while transporting drugs;
- (6) evidence regarding the defendant's military training suggesting that he has the skills and training to avoid law enforcement;
- (7) evidence suggesting that the defendant has traveled widely internationally;
- (8) evidence that the defendant has used his military and CIA record and background on more than one occasion to avoid criminal trouble or defray suspicion connected with his drug trafficking;
- (9) evidence that the defendant lied to investigators regarding whether further cash not already recovered by law enforcement might be concealed;
- (10) evidence that the defendant is facing a substantial mandatory minimum sentence.

Part III—Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or a designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or held in custody pending appeal. The defendant must be afforded a reasonable opportunity to consult privately with defense counsel. On order of United States Court or on request of an attorney for the Government, the person in charge of the corrections facility must deliver the defendant to the United States marshal for a court appearance.

Date: July 28, 2017



Judge's Signature

PAIGE J. GOSSETT, U.S. MAGISTRATE JUDGE

Name and Title